IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 26 OF 2005

Vishnu Dattatraya Barve .. Petitioner

versus

The District Superintendent of Police
Sangli & anr .. Respondents

Mr.Uday Warunjikar for Petitioner

Ms Jyoti Pawar, Assistant Government Pleader for Respondent no. 1

Mr.Narendra Walawalkar with Mr.Sudhir Prabhu for Respondent no. 3

CORAM : R.M. LODHA AND
D.G.KARNIK, JJ

DATED : 7th December, 2005

P.C.

Heard Mr.Uday Warunjikar for the petitioner and Ms.Jyoti Pawar, Assistant Government Pleader for the respondent no. 1.

2. The grievance raised by means of this Public Interest Litigation relates to action against the offending person/persons under section 2 of the Prevention of Insults of National Honour Act, 1971. The grievance raised by the petitioner is founded on a news item that appeared in the vernacular newspaper "Loksatta supplementary" dated 17th June, 2004.

3. From the affidavit filed by Mr. Dilip Pandurang Jadhav, Police Inspector, Sangli Police Station, Sangli it appears that the petitioner has not lodged any first information report concerning the crime under section 2 of the Prevention of Insults of National Honour Act, 1971. However, pursuant to the directions of this Court given on 28th July, 2004, the concerned Police Inspector recorded the statements of six witnesses and he found that the contents of the news item dated 17th June, 2004 that appeared in "Loksatta supplementary" was totally incorrect. In view thereof, we are satisfied that nothing is further required to be done in the matter by us. However, if the petitioner lodges any first information report concerning the alleged crime, we observe that the said first information report shall be proceeded with and taken to logical conclusion in accordance with law uninfluenced by the inquiry so far held.

(R.M. LODHA, J)

(D.G. KARNIK, J)